IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF APRIL,

TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 7317 of 2005

Between:

Dhanala Srinivasa Reddy, S/o. Vengaiah,
Choppadandi Village and Mandal of Karimnagar District.

..... PETITIONER

AND

1 The State of Andhra Pradesh, represented by the District Collector, Karimnagar.
2 The Mandal Revenue Officer, Choppadandi, Karimnagar District.
3 Cheeti Prem Sagar Rao, S/o. Narayan Rao,
Mallapur Village of Gangadhara Mandal, Karimnagar District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order, direction or writ more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the 1st respondents in issuing the letter NO. D1/1920/2005 dt. 23-3-2005 directing the 2nd respondent to implement the decree in A.S.No. 35 of 2004 dt. 4-2-2005 on the file of the court of the I Addl, District Judge, Karimnagar in favour of the 3rd respondent and recording the name of 3rd respondent as owner and Pattadar of Sy.No. 25 measuring 3 acres 19 guntas situate at Choppadandi Village & Mandal, Karimnagar District as bad, illegal, arbitrary and without having any power and jurisdiction and to set aside the same and be pleased to pass such other order or orders.

Counsel for the Petitioner: MR.C.RAMESH SAGAR

Counsel for the Respondent Nos. 1 and 2: GP FOR REVENUE

Counsel for the Respondent No.3:--

This Court at the admission stage made the following :

O R D E R:

This writ petition is filed seeking to declare the action of the first respondent in issuing the letter dated 23-03-2005 directing the second respondent to implement the decree in A.S.No.35 of 2004 dated 04-02-2005 on the file of the I Additional District Judge, Karimnagar, in favour of the third respondent and recording his name as owner and pattadar of land in an extent of Ac.3-19 guntas situated in Survey No.25 of Choppadandi village and Mandal, Karimnagar District as illegal and arbitrary.

The petitioner filed O.S.No.150 of 1996 on the file of the Senior Civil Judge, Karimnagar, for declaration of his title in respect of the land admeasuring Ac.3-19 guntas situated in Survey No.25 of Choppadandi village and Mandal of Karimnagar District. The third respondent is the defendant in the suit. The said suit was dismissed with costs by judgment dated 14-06-2004. Aggrieved by the same, the petitioner filed A.S.No.35 of 2004 on the file of I Additional District Judge, Karimnagar, which was also dismissed by judgment dated 04-02-2005. It appears that based on the judgment in A.S.No.35 of 2004, the third respondent made an application before the first respondent, the District Collector, Karimnagar, seeking implementation of the decree. Pursuant thereto the first respondent, the District Collector, Karimnagar, by letter dated 23-03-2005 directed

the second respondent, the Mandal Revenue Officer, to make necessary entries in the revenue records after making necessary enquiry into the findings recorded by the Civil Court. Aggrieved by the same, this writ petition is filed contending that though A.S.No.35 of 2004 filed by the petitioner was dismissed, there is no finding in favour of the third respondent and therefore, it cannot be said that the title in respect of the land-in-question has been upheld in favour of the third respondent.

It is not necessary for this Court to express any opinion as to the contention raised by the petitioner since under the provisions of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971 (hereinafter referred to as 'the Act'), the Mandal Revenue Officer who is the competent authority, before carrying out amendment in the Record of Rights, is required to issue notice to all the parties concerned, the objections if any will be enquired into. The learned Government Pleader states that in pursuance of the impugned order of the District Collector, the 2nd respondent will now conduct such enquiry and it is open to the petitioner to raise all the objections before the second respondent.

The writ petition is accordingly disposed of granting liberty to the petitioner to raise all the objections, as are available under law, before the second respondent, the Mandal Revenue Officer. If any such objections are raised, the second respondent shall consider the same and pass appropriate orders, in accordance with law, following the procedure as contemplated under the Act. No costs.

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(G. ROHINI, J)

Date:05-04-2005

Note: Issue C.C. in two days.

B/o ghn

To

1 The District Collector, State of Andhra Pradesh, Karimnagar.

2 The Mandal Revenue Officer, Choppadandi, Karimnagar District.

3 Two CCs to the Government Pleader for Revenue, High Court of A.P., Hyderabad. (O.U.T.)

4 Two CD copies.